IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 15537 of 2004

Between:

Sri Maruvada Seetaramayya, S/o. M.V. Pantulu,

Hindu, Male, Flat No. 2-C, Sai Vasavi Enclave,

Vasavi Nagar, Karkhana, Secunderabad being rep by

His G.P.A.Holder Sri M.V. Pantulu, S/o. late M.S. Ayya,

aged 70 years, Hindu, Male.

..... PETITIONER

AND

1. The Mandal Revenue Officer, Chinagadili,

Visakhapatnam District.
2. The Revenue Divisional Officer, Visakhapatnam.
3. The District Collector, Visakhapatnam,

Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondents in not preparing and updating the record of rights in the land of the petitioner assigned 25 years back to an extent of Ac.5.00 in Sy.No. 108/1, (part) of Madhurawada Village, Chinagadili Mandal, Visakhapatnam District and not issuing pattadar pass books and title deed under A.P. Records of Rights in Land and Pattadar Pass Books Act, 1971 and also B.S.O. No. 27 and not collecting the land revenue offered by the petitioner for the said land as illegal, arbitrary, capricious, unjust and violative of Sections 3, 6A, and 10 A of the A.P. Records of Rights in Land and Pattadar Pass Books Act, 1971 and B.S.O. No. 27 and also Articles 21 and 300 A of Constitution of India and consequently to direct the respondents to prepare and update the record of rights as per the above law and issue pattadar pass book and title deed and incorporate the necessary entries in the village revenue records of Madhurawada Village and collect the land revenue for the said land from the petitioner including arrears within the time stipulated by this Hon'ble Court.

Counsel for the Petitioner: SMT. N.(P).ANJANA DEVI

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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O R D E R :

On the ground that his name is not being mutated in the revenue records and pattadar pass book and title deed also are not being issued in his favour, though he was given a D Form patta petitioner filed this writ petition, seeking a direction to the respondents to mutate his name in the revenue registers and issue a pass book in his favour. In the counter affidavit filed on behalf of the respondents, genuineness of the D Form patta relied on by the petitioner is disputed.

2. Since genuineness of the patta relied on by the petitioner is in dispute and since this Court cannot go into disputed questions of fact and since petitioner who is claiming title to the property on the basis of a patta said to have been issued to him has an effective alternative remedy of suit, with a direction to the petitioner to avail the alternative remedy of suit, this writ petition is disposed of. No costs.

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C.Y. SOMAYAJULU, J.

Dated: 22nd February, 2005.

CS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer, Chinagadili,

Visakhapatnam District.
2. The Revenue Divisional Officer, Visakhapatnam.
3. The District Collector, Visakhapatnam,

Visakhapatnam District.

4. Two C.Cs. to the Government Pleader for Revenue, High Court

Buildings, Hyderabad. (O.U.T.)

5. Two C.D. copies

*Form-NIC-OGS/WP{**RLD**}*